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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	Criminal No. No. 3-06-70269 EDL
	)	
Plaintiff,	)	
	)	
	)	<b>STIPULATION AND [PROPOSED]</b>
	)	<b>ORDER EXCLUDING TIME</b>
v.	)	
	)	
YING HER,	)	
	)	
Defendant.	)	

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The above-captioned matter came before the Court on May 19, 2006 for status on posting of bond and presentation of surety. The defendant was represented by Assistant Public Defender David W. Fermino and the government was represented by William C. Martin, Assistant United States Attorney. The case was set for arraignment on May 26, 2006.
  2. On May 23, 2006, the government had to postpone its time before the Grand Jury and requested the court reschedule arraignment for June 2, 2006 before Magistrate Judge James. Accordingly, the government requests an exclusion of time from May 19, 2006 to June 2, 2006.
- STIPULATION AND [PROPOSED]**  
**ORDER EXCLUDING TIME**  
 No. 3-06-70269 EDL

The reason for this request is that counsel for the government requires additional time to investigate the potential charges against the defendant and provide additional discovery to the defendant. The failure to grant the requested exclusion would unreasonably deny counsel for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See id. The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

3. The defendant stipulates to the reasons justifying the extension of time under Federal Rule of Criminal Procedure 5.1(d) and the exclusion of time under the Speedy Trial Act. Therefore, the parties agree that the time from May 19, 2006 to June 2, 2006 should be extended under Rule 5.1(d) and excluded in computing the time within which an information or indictment must be filed. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

4. For the reasons stated, the time period from May 19, 2006 to June 2, 2006 is extended under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED

DATED: May 24, 2006

/s/  
DAVID W. FERMINO  
Attorney for the Defendant

DATED: May 24, 2006

/s/  
WILLIAM C. MARTIN  
Assistant United States Attorney

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 25, 2006

